

REMARKS

This Amendment is being filed in response to the Notice of Abandonment mailed on February 2, 2009, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-25 are pending in the application, where claims 1, 10, 11, 12, 13, 16, 17, 23 and 25 are independent.

In the Office Action, the Examiner indicated that claims 1-9, 14, 18-19, 22 and 24 are allowed and that claims 11-13, 16-17, 23 and 25 would be allowable if rewritten in independent form. Applicant gratefully acknowledges the indication that claims 1-9, 14, 18-19, 22 and 24 are allowed and that claims 11-13, 16-17, 23 and 25 contain allowable subject matter. By means of the present amendment, claims 11-13, 16-17, 23 and 25 have been rewritten in independent form. Accordingly, it is respectfully requested that independent claims 11-13, 16-17, 23 and 25 be allowed.

In the Office Action, claims 10, 15 and 20-21 are rejected

under 35 U.S.C. §103(a) over U.S. Patent No. 5,554,247 (Ten Kate). Applicant respectfully traverses and submits that claims 10, 15 and 20-21 are patentable over Ten Kate for at least the following reasons.

As correctly noted on page 3 of the Office Action, Ten Kate does not disclose or suggest "data expansion means being adapted to data expand the data compressed composite information signal," as recited in independent claim 10, and similarly recited in independent claim 20. Rather, as shown in FIG 1b and recited on column 11, lines 35-36, Ten Kate discloses three expansion means (dequantizers DEQ) 48, 49 and 50 that expand individual compressed signal R_c , L_c , and L-, R- or C-signals. The individual compressed signal are provided from a demultiplexer 41 that "splits the information in the serial datastream into the original quantized samples" of signal R_c , L_c , and L-, R- or C-signals. (Column 11, lines 38-40, emphasis Added)

It is alleged that "[i]t would have been obvious to one of ordinary skill in the art at the time the invention was made to use one expander (as opposed to plurality) to expand the composite

information signal first then split(retrieve) the composite expanded information. The motivation/suggestion for doing so would have been to be more compact and efficient. (Office Action, page 3, lines 5-9)

It is respectfully submitted that this position finds no support in Ten Kate. There are innumerable ways to expand signals, where Ten Kate expands compressed individual signals, in contrast to expanding a composite information signal, as recited in independent claim 10 and 20.

Where a feature is not shown or suggested in the prior art reference itself, the Federal Circuit has held that the skill in the art will rarely suffice to show the missing feature. Al-Site Corp. v. VSI International Inc., 174 F.3d 1308, 50 USPQ2d 1161 (Fed. Cir. 1999) (Rarely, however, will the skill in the art component operate to supply missing knowledge or prior art to reach an obviousness judgment).

It is respectfully submitted that making up some arbitrary motivation to arrive at a solution that is admittedly not shown in Ten Kate is not evidence of a proper motivation for altering Ten

Kate in a way that is not contemplated.

There is simply no disclosure or suggestion in Ten Kate of expanding a compressed composite information signal, as recited in independent claim 10 and 20. Rather, Ten Kate discloses expanding compressed individual signals, not a composite information signal.


Accordingly, it is respectfully requested that independent claims 10 and 20 be allowed. In addition, it is respectfully submitted that claims 15 and 21 should also be allowed at least based on their dependence from independent claims 10 and 20 as well as their individually patentable elements. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of

the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

By 
Dicran Halajian, Reg. 39,703
Attorney for Applicant(s)
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THORNE & HALAJIAN, LLP
Applied Technology Center
111 West Main Street
Bay Shore, NY 11706
Tel: (631) 665-5139
Fax: (631) 665-5101